

THE OFFICE ACTION

In the Office Action mailed on August 27, 2004, the Examiner rejected claim 10 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. The Examiner rejected claims 1 and 3-6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,019,963 to Alderson et al. ("Alderson"). The Examiner further rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Alderson in view of U.S. Patent No. 5,742,829 to Davis et al. ("Davis"). The Examiner indicated that claims 7-9 and 11 were allowed.

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of August 27, 2004.

Reconsideration of the Application is requested in light of the above amendments and following comments. Claims 1-11 remain in this application.

A. Amended Claim 10 Complies with §112

The Examiner rejected claim 10 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, the Examiner believes that there is insufficient antecedent basis for the recitation "software module". Applicants have amended claim 10 to separately recite the various modules on the computer as originally recited in claim 7. Applicants respectfully request withdrawal of this rejection.

B. The Claims are not Anticipated by Alderson

The Examiner rejected claims 1 and 3-6 under 35 U.S.C. §102(b) as being anticipated by Alderson. Applicants respectfully traverse.

As amended, claim 1 now more clearly recites that it is the computer on which the print driver is to be updated, through the actions of the various modules installed thereon, that contacts the remote network location, compares the versions of the print driver, downloads and installs the updated print driver, and installs the old version of the print driver. That is, all of these actions are instituted and result from the running of modules on the computer which is to be updated.

Alderson, on the other hand, deals with a data processing network including a

plurality of workstations connected to a host processor. The workstations send a signal to the host at designated times indicating the version of certain programs they contain. The host then determines if the workstations have the latest version and, if not, sends a copy of the new file to replace the version on the workstations. Thus, it is the host which compares the versions and uploads newer versions of the programs to the workstations, rather than the workstations themselves. Thus, because Alderson fails to disclose or suggest such a process wherein modules installed on the workstations themselves perform the indicated steps, it fails to anticipate or otherwise render the present claims unpatentable.

C. The Claims are Patentable Over Alderson in View of Davis.

The Examiner further rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Alderson in view of Davis. Applicants respectfully traverse.

The Examiner cites Davis for the proposition that in the field of installing software, it is known to read the initialization file of a driver to determine its version. Even assuming this is true, and even assuming the propriety of combining Alderson with Davis, such a proposed combination would still not disclose or suggest all of the recitations of the present claims. In this respect, claim 2 depends from claim 1 and contains all of the limitations thereof. As detailed above, Alderson fails to disclose or suggest a process wherein modules installed on the workstations themselves perform the indicated steps. Davis also fails to disclose or suggest such a process. Therefore, any proposed combination of the two references would also fail to disclose or suggest the claimed process steps of claim 1.

That is, any proposed combination of the two references would fail to disclose a process including the steps of contacting a remote network location with a contact module installed on said computer; comparing a first version of the printer driver installed on the computer with a second version stored at the remote network location using a determining module installed on said computer; downloading and installing the printer driver from the remote location onto the computer if it is a more recent version of the printer driver than one said first version currently installed on the computer using a downloading and installing module installed on said computer; and uninstalling the version of the printer driver previously stored on the computer using an uninstalling module installed on said computer.

Thus, applicants submit that the proposed combination of Alderson and Davis

fails to render the present claims unpatentable.

CONCLUSION

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1-11) are now in condition for allowance. No additional fee is believed to be required for this Amendment. However, the undersigned attorney of record hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Deposit Account No. 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Joseph E. Waters, at Telephone Number (216) 861-5582.

Respectfully submitted,

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Date

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